



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ♦ Ellicott City, Maryland 21043 ♦ 410-313-2350

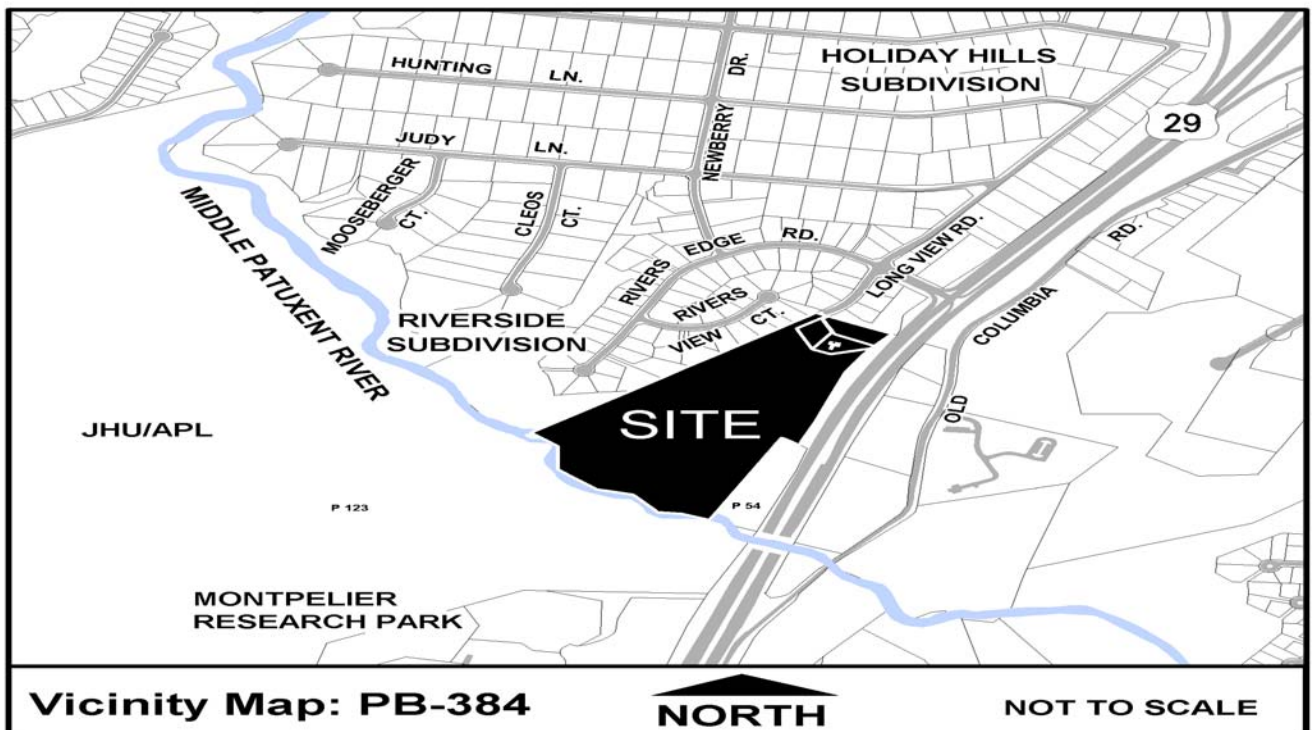
Marsha S. McLaughlin, Director

www.co.ho.md.us
FAX 410-313-3467
TDD 410-313-2323

TECHNICAL STAFF REPORT RIVERSIDE OVERLOOK – Phase 2

Planning Board Hearing of July 8, 2009 at 7:00 p.m.

- Case No./Petitioner:** PB Case No. 384, Reuwer Long Term Holdings, LLC
- Project Name:** Riverside Overlook, Phase 2, SP-09-04, Lots 4 thru 16, 18 thru 22, 24 thru 33 & Open Space Lots 17, 23, 34 and 35
- Request:** For Planning Board approval of a Preliminary Equivalent Sketch Plan, SP-09-04 for the subdivision of 27 single family detached (SFD) residential lots, 1 buildable lot to be used for an approved conditional use for offices and educational programs for the Church of God and 4 open space lots on a property zoned “R-20” (Residential-Single). This subdivision plan is being processed for Planning Board approval utilizing Section 108.F.3 of the Zoning Regulations allowing land within the “R-20” zoning district to be developed pursuant to Section 107.E of the “R-ED” Zoning Regulations.
- Location:** The area of the subject property is approximately 28.7 acres and is located at the southern terminus of Long View Road, approximately 400 feet south of Rivers Edge Road and along the west side of U. S. Route 29, on Tax Map No. 41, Grid No. 11, Parcel No.179, in the Fifth Election District of Howard County, Maryland. The subject property is zoned “R-20” (Residential - Single).



Vicinal Properties:

This project is surrounded by the following properties:

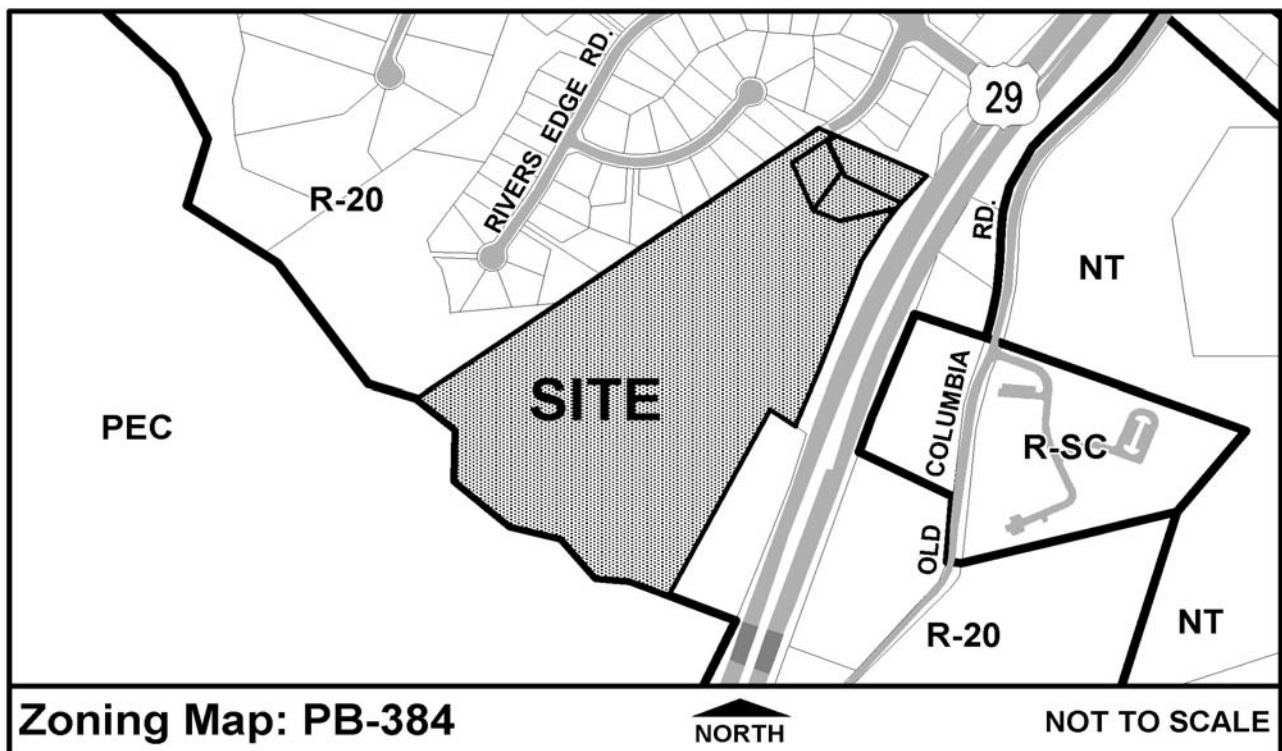
North and West Sides - Located along the north and west sides of this site is the Riverside subdivision improved with single family detached dwellings fronting on Rivers View Court and Long View Road, zoned "R-20".

East Side - Located along the east side of this project is the U.S. Route 29 right-of-way and at the southeast corner is adjoining Parcel No. 54, an unimproved piece of land zoned "R-20" owned by the State Highway Administration.

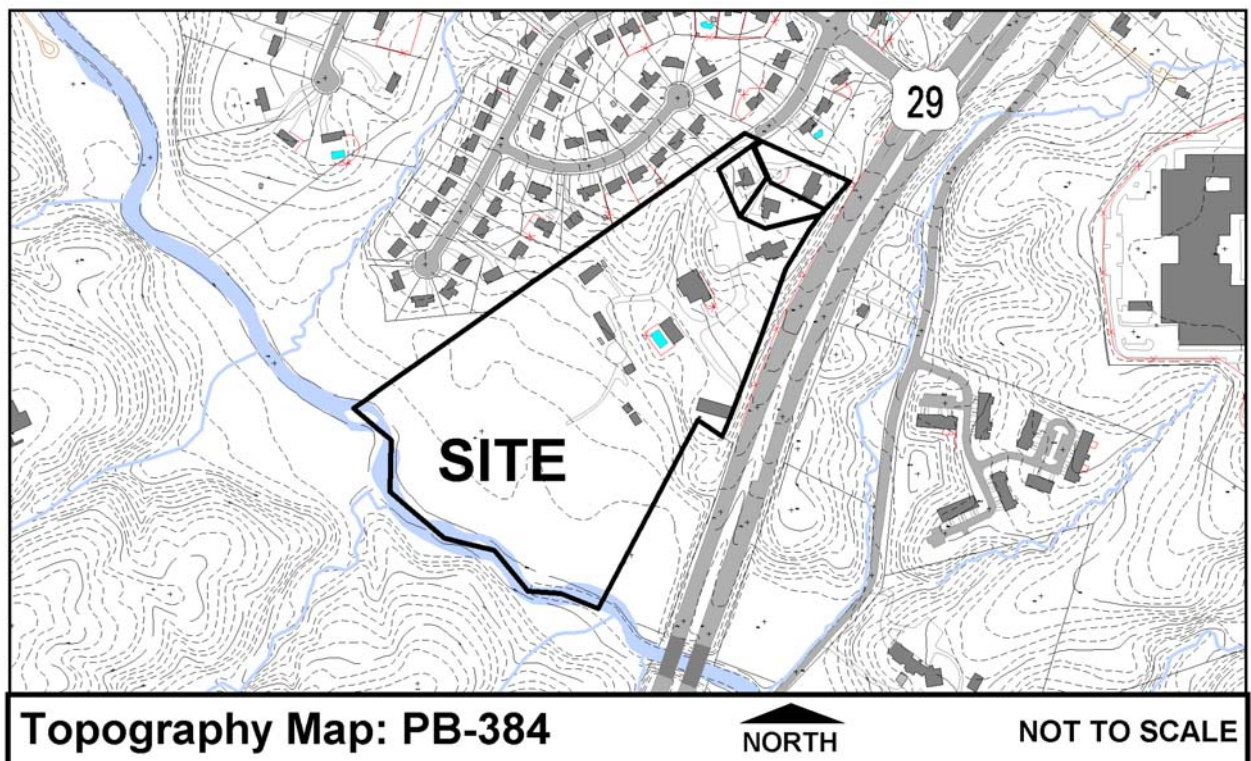
South Side - Located along the south side of this site is the Middle Patuxent River. Further south across the river is Parcel No. 123 belonging to the Johns Hopkins University APL, zoned "PEC" (Planned Employment Center) and located approximately 800 feet further south from the site boundary past a wooded area is the Montpelier Research Park improved with various office buildings located along Montpelier Road.

I. General Comments:

- A. **Legal Notices** - The subject property was properly posted with 2 official Planning Board notices located at the site entrance onto Long View Road and along the east side of the property on U.S. Route 29 as verified by Department of Planning and Zoning staff. Certification that the legal advertisements appeared in the Baltimore Sun on May 27, 2009 and in the Howard County Times on May 28, 2009 were placed into the file for the record.



- B. Regulatory Compliance** - This project is subject to compliance with the Howard County Subdivision and Land Development Regulations, the Howard County Zoning Regulations, the Design Manual, the Adequate Public Facilities Ordinance, the Forest Conservation Manual and the Landscape Manual.
- C. General Plan** - The subject project is consistent with the 2000 Howard County General Plan with a residential land use designation.
- D. Site History:**
Subdivision Plans
- **F-05-11** - A final plat was recorded on April 29, 2005 to establish three residential lots for three existing houses located at the entrance of the site along Long View Road and to establish a separate bulk parcel for the remainder of the Church of God campground property.
 - **S-05-06** - A sketch plan known as the "Hearthstone at Riverside" was originally submitted for this project to establish 21 new SFD residential lots under the "R-20" zoning regulations and received signature approval by DPZ on April 14, 2005.
 - **P-07-08** - A preliminary plan for the same subdivision proposal as described above received signature approval by DPZ on May 31, 2007.



- **WP-05-87 and WP-07-66** - Two waiver petitions were processed and approved by DPZ on March 17, 2005 and February 12, 2007 for the original designed "R-20" subdivision plan per S-05-06 and P-07-08 for waivers to allow grading disturbances and construction activity within wetlands and stream buffers associated with a use-in-common driveway and Long View Road, to allow environmental features and buffers on residential lots less than 10 acres, and for a reduction of the minimum public road frontage requirement for an open space lot.
- **F-08-23** - A final plan for the original "R-20" subdivision proposal for this project was determined technically complete by the SRC on March 26, 2008. The final road construction drawing plans for the project received signature approval by DPZ on June 17, 2008. Presently, the final plat for F-08-23 is temporarily on hold pending the approval of this redesigned "R-ED" subdivision plan proposal. Upon approval, the previously approved final road construction plan and plat for this project will be revised to be consistent with the new redesigned subdivision plan.
- **F-09-66** - A final plat to resubdivide the 3 existing residential lots and a bulk parcel originally established under F-05-11 was determined technically complete by DPZ on February 4, 2009. The purpose of this plat is to enlarge existing Lot 2 to accommodate the Church of God conditional use for an office building as approved under BA-08-02C (see description below).

Other Related Files for the Property

- **BA-891C, BA-952C, BA-82-40E** - Approved special exception cases for the Church of God campgrounds.
- **SDP-79-16 and SDP-83-92** - Approved site development plans for the Church of God campgrounds facility.
- **BA-03-67C** - The Petitioner submitted a conditional use petition for 55 "Age Restricted Adult Housing Units" for the subject property but later withdrew the case from processing consideration.
- **BA-08-02C** - A conditional use petition was approved for the subject property for a charitable or philanthropic institution for offices and educational programs for the Church of God on April 21, 2008. The conditional use will be located on proposed Lot 5 of this subdivision.
- **SDP-09-33** - This site development plan was determined technically complete by the SRC on March 4, 2009 for the Church of God office building located on Lot 5 of this proposed subdivision.

E. Site and Density Information Chart:

Total Gross Site Area.....	28.71 acres
Minus 100 Year Floodplain Area.....	13.61 acres
Minus 25% or Greater Steep Slope Area..... (area outside of floodplain)	1.41 acres
Net Site Area.....	13.69 acres
Base Density Permitted (2 units per net acre).....	27 lots
Maximum Density Allowed with 10% Bonus Density Provision Per Section 108.F.2 of the Zoning Regulations**.....	29 lots
Density Proposed.....	28 lots
Area of Proposed Residential Lots.....	7.65 acres
Approximate Limit of Disturbance..... (31% of total site)	8.85 acres
Open Space Required (50 % of gross site area).....	14.36 acres
Credited Open Space Proposed (70 % of gross area)	20.08 acres
Recreational Open Space Required (300 sq. ft. per lot x 28).....	8,400 sq. ft.
Recreational Open Space Proposed.....	11,294 sq. ft.

**** - In accordance with Council Bill No. 50-2008 and ZRA-95 effective as of 9/09/08 and Sections 108.F and 128.L of the Zoning Regulations, a parcel in the "R-20" Zoning District may be developed as a receiving parcel for additional density in association with Density Exchange for a Neighborhood Preservation Easement sending parcel at a bonus of up to 10% more dwelling units than would be achievable based on net density using the "R-ED" Zoning Regulations.**

F. Site Analysis:

Access and Structures - Public road access for this subdivision will be provided from an extension of Long View Road into the site. Existing Long View Road is a 50 foot wide right-of-way and the proposed extension will transition down to a 40 foot wide right-of-way with a 24 foot paving width. The property is presently improved with four existing houses and religious campground facilities including a chapel, dining hall, lodging and recreational areas for the Church of God. All existing on-site structures are proposed for removal except for the three existing residences located on Lots 4, 5 and 6 of this subdivision. There are no historic structures, cemeteries or grave sites located on this property.

Water and Sewer Service - The site is located within the Metropolitan District and will be served by public water and sewer facilities.

Environmental Characteristics:

Forest Cover - The site is approximately 43% wooded (8.8 acres of existing mixed hardwood forest cover within the floodplain and 3.6 acres located outside of the floodplain) with the remaining area consisting of maintained lawn areas around the existing Church of God campground facilities. The forest stand delineation report submitted for this project indicates that the existing forested areas are in good condition.

Topography - The property is wedged shaped containing approximately 1.4

acres of 25% or greater steep slopes located outside of the floodplain through the center portion of the property. The topography on this site drops down from north to south approximately 80 feet from its high point located at the southern terminus of Long View Road towards the Middle Patuxent River located at the far southern end of the site. The development plan does not propose any disturbance to the protected 25% or greater steep slopes with a contiguous area over 20,000 square feet. However, grading and construction disturbances will occur on moderately sloping land located through the central portion of the site which is permitted by the regulations.

Wetlands, Streams and 100 Year Floodplain - The site contains an expansive floodplain area of approximately 13.6 acres (47% of the site) located adjacent to the Middle Patuxent River. An intermittent stream begins at the center of the site and flows south towards the river. The on-site wetlands are confined mostly within the floodplain limits and along the edges of the intermittent stream. The intermittent stream is protected with a 50 foot buffer and the wetlands with a 25 foot buffer. The development plan does not propose any disturbance to 100 year floodplain, wetlands, streams or required buffers, except for the installation of the public sewer line extension. The proposed sewer line extension located within the environmental features and buffers has been determined an essential disturbance by the Subdivision Review Committee in accordance with Section 16.116(c) of the Subdivision and Land Development Regulations.

G. Proposed Development Plan:

Subdivision Plan - The development plan consists of 28 residential lots for single family detached dwellings containing 3 existing dwellings located on Lots 4, 5 and 6 plus a conditional use office building approved for the Church of God located on Lot 5. The typical lot sizes range from 6,000 to 9,000 square feet in area, except that larger lot areas are provided for Lots 4, 5 and 6 that contain the existing dwellings and the proposed conditional use office building (the minimum lot size for the "R-ED" zoning is 6,000 sq. ft.). A majority of the proposed residential lots will directly abut open space areas and clustered to face each other across internal private drives or the public road. Separate use-in-common driveways are proposed to provide access for Lots 4 thru 6, 13 and 14, 21 thru 26 and 29 thru 32. An extension of Long View Road is proposed to provide access for all lots within this subdivision. A sidewalk extension is proposed along the eastern side of Long View Road to connect with the existing sidewalk along that street. Stormwater management will be provided on-site for this subdivision with one SWM pond and rain gardens for water quality on certain lots.

Based upon an approved noise study, the developer must provide noise abatement for this project by a 6' high landscaped berm, a 6' high noise wall or a combination of the two to achieve a 6' height along the rear yards of Lots 13 thru 18 to mitigate excessive noise levels from U.S. Route 29 to a 65 decibel threshold level.

Neighborhood Preservation Density Exchange for Infill Development - The subject property is being developed pursuant to Section 108.F.3 of the Zoning Regulations which permits land in the "R-20" zoning district to be subdivided in accordance with the "R-ED" Zoning Regulations, if the property is:

1. Subdivided for single family detached residential units or lots, and
2. The combined total lot area is more than 100,000 square feet (2.3 acres), and
3. The development is subject to the "R-ED" regulations including the requirement for Planning Board review and structures are required to be set back 75 feet from project boundaries adjoining SFD developments.

In accordance with Sections 108.F and 128.L of the Zoning Regulations, a parcel of 11 acres or greater in size in the "R-20" Zoning District may be developed as a receiving parcel for additional density in association with Density Exchange for a Neighborhood Preservation Easement sending parcel at a bonus of up to 10% more dwelling units than would be achievable based on net density using the "R-ED" Zoning Regulations. This subdivision is proposed to receive 1 density exchange unit from Lot 10 of the Riverside Estates subdivision which will be exchanged and recorded under the final plan submission for this project. This subdivision proposal complies with all of the above Zoning Regulation requirements for use of the "R-ED" Zoning Regulations and to receive a Neighborhood Preservation Density Exchange unit.

Forest Conservation - The developer submitted the required Forest Conservation Plan identifying existing forest to be protected and areas of proposed reforestation planting. This project complies with the forest conservation requirements of the Howard County Code with the retention of existing forest in the amount of 2.04 acres and reforestation planting in the amount of 2.11 acres. The 4.15 acres of credited forest retention and reforestation easement does not include an additional 8.8 acres of wooded floodplain located on the property. The total existing forested and proposed reforested area for this project will be approximately 13 acres (45% of the site).

Landscaping - This project will comply with the perimeter and street tree landscaping requirements of the Landscape Manual. Perimeter landscaping requirements will be addressed primarily through the retention of existing vegetation stands at least 20 feet wide along the entire southern and southwestern project boundaries with new landscape plants provided along the eastern, northern and northwestern boundaries. The eastern boundary along U.S. Route 29 will also be screened with the proposed 6' high noise wall or landscaped berm. The northwestern project perimeter located adjacent to the existing Riverside community will receive enhanced landscaping with a Type "B" buffer (1 shade tree per 50' and 1 evergreen tree per 40') which exceeds the standard Landscape Manual requirement for 1 shade tree per 60 feet for SFD residential land use adjacent to SFD residential land use.

Adequate Public Facilities:

Roads Test - This subdivision passed the test of the Adequate Public Facilities Ordinance (APFO) for vicinal major road intersection adequacy within 1.5 miles from the site access. The required key intersection analyzed for this project was the signalized intersection at U.S. Route 29 (principal arterial) at Rivers Edge Road (major collector). The traffic impact analysis prepared by The Traffic Group (developer's consultant) dated October 9, 2008 determined that the intersection currently operates and will continue to operate at a Level of Service "F" during

the weekday morning peak hours and at an acceptable Level of Service “D” or better during the weekday evening peak hours for the projected traffic volume test year of 2011. However, since U.S. Route 29 is a State principal arterial roadway, mitigation measures are exempt and the developer is not required to provide additional through lanes to improve this roadway in accordance with Section 16.1101(f) of the Howard County Code for Adequate Public Road Facilities. The DPZ, Development Engineering Division approved the APFO roads test for this project on January 23, 2009.

Schools Test - This project is located in the Southeast Planning Area, the Columbia West School Region, the Clemens Crossing Elementary School District and the Lime Kiln Middle School District. Upon the issuance of the Decision and Order for this hearing, the test for availability of housing unit allocations and school capacity will be taken. At the present time, housing unit allocations are available in the Southeast Planning Area and the elementary and middle schools are open.

II. Planning Board Criteria:

In accordance with Sections 107.E.6 and 108.F.3 of the Howard County Zoning Regulations, the following 3 criteria must be considered by the Planning Board when evaluating this Preliminary Equivalent Sketch Plan which is being developed pursuant to the “R-ED” Zoning District Regulations.

1. **The proposed lay-out of lots and open space effectively protects environmental and historic resources.**

The proposed development plan will establish 4 open space lots approximately 20 acres in size which will encompass all of the property’s 100 year floodplain area, wetlands and streams, environmental buffers, a majority of the 25% or greater steep slopes, and approximately 11 acres of existing forest resources (includes floodplain areas). Open Space Lot 34 is 18 acres and will be dedicated to the Department of Recreation and Parks as open space area for preservation and protection of the environmental resources. Open Space Lots 17, 23 and 35 which are approximately 2 acres in total size will contain the SWM facility, the noise wall and recreational open space areas and will be dedicated to a Homeowner’s Association.

There are no historic structures or resources located on this property.

This development plan accomplishes protection of the environmental resources on the site by employing the following design techniques:

- By placing and clustering the residential lots and common driveways on the moderately sloped area of the site away from the 25% steep slopes, wetlands, streams, 100 year floodplain and forest conservation areas. **The proposed houses, driveways, utilities and public road extension will be located primarily on previously disturbed areas of the site that are presently improved with the Church of God campground facilities (existing structures, driveways and other various paved**

surfaces or lawn area).

- By keeping the proposed lot sizes close to the minimum lot size requirement of 6,000 square feet.
- By maximizing the amount of environmental open space with the establishment of more than 70% open space areas on-site which exceeds the minimum 50% open space requirement. The project provides a substantial environmental buffer of approximately 800 feet between the proposed residential development and the Middle Patuxent River.
- By keeping the public road and shared driveway lengths to a minimum to reduce the amount of imperious paving, grading and tree clearing on-site. The alignment for the proposed public road extension follows an existing private access driveway that presently serves the Church of God campground facility.
- By removing the existing paved driveways and parking areas, buildings and other site improvements that are presently located within the floodplain, wetlands and stream buffer areas.

The proposed subdivision plan was redesigned to effectively protect, preserve and minimize the limits of disturbance of the environmental resources located on the subject property to the extent possible.

2. Buildings, parking areas, roads, storm water management facilities and other site features are located to take advantage of existing topography and to limit the extent of clearing and grading as follows:

- The proposed residential lots, the public road extension and the use-in-common private driveways are located on the moderately sloped area of the property that was already previously disturbed and graded for the existing Church of God campground facilities to take advantage of existing topography. The right-of-way width for the extension of Long View Road is reduced from a 50 foot right-of-way down to 40 feet wide to minimize the extent of site disturbance.
- The proposed development plan minimizes site disturbance and clearing by clustering the home sites on relatively small sized lots. The environmentally sensitive steep slopes, floodplain and stream areas will remain undisturbed for construction of the houses, public road and use-in-common driveways, except for the sewer line extensions. The orientation of some proposed houses have been purposely designed to utilize walk-out basements to take advantage of the topography. Other site improvements such as the SWM facilities and public utilities have been designed and located to function effectively where grading and clearing will be minimized.
- The total limit of disturbed area for the proposed development including the public road extension, private use-in-common driveways, public utilities, house pad sites for building lots and storm water management

facilities will involve approximately 8.85 acres or 31% of the site. Grading for the proposed development will not involve disturbances of the protected 25% or greater steep slopes with a contiguous area over 20,000 square feet, 100 year floodplain, wetlands, streams or required buffers, except for the installation of the public sewer line extension.

The proposed subdivision plan design has been determined adequate in taking advantage of the uniqueness of the site's topography by minimizing the limits of clearing and grading necessary to construct houses, the public road, private drives, SWM facilities and public utilities. When compared against the existing approved "R-20" designed subdivision plan for this property, the proposed "R-ED" redesigned plan significantly reduces the environmental impact and the total limit of disturbance for this site.

3. Setbacks, landscaped buffers or other methods are proposed to buffer the development from existing neighborhoods or roads, especially from designated scenic roads or historic districts.

A 75 foot setback is required and provided for all proposed residential dwellings from the U.S. Route 29 right-of-way and from project boundaries adjoining SFD developments. The existing house located on Lot 4 is exempt from this requirement because it is a recognized non-complying structure based on the requirements of the "R-20" Zoning District Regulations at the time of its construction.

The development plan maintains an extensive forested buffer along the entire southwestern and southern project boundaries and for a portion of the eastern boundary along U.S. Route 29 to minimize the visibility of the new homes from the existing roads.

A 6' high noise berm and/or wall will be provided adjacent to U.S. Route 29 to mitigate excessive noise levels. A Type 'B' landscaped buffer (1 shade tree per 50' and 1 evergreen tree per 40') will be provided along the project's western boundary adjacent to the existing Riverside community. The perimeter landscape buffer requirements will be satisfied with the retention of existing trees supplemented with new landscape trees as necessary.

The subdivision plan proposes open space areas that exceed the acreage required by the Regulations. The most environmentally sensitive areas of this property located along the Middle Patuxent River will be permanently protected and preserved as recorded forest conservation and 100 year flood plain easements and dedicated as open space to Howard County. The subject property is not located in a Historic District or on a scenic road.

Compliance with the required 75' setback and preservation of existing vegetation along the subdivision perimeter with enhanced landscaping along the eastern boundary and a noise wall and/or berm adjacent to U.S. Route 29 will adequately buffer the proposed development from the surrounding neighborhood and roads.

SRC Action:

The Subdivision Review Committee (SRC), by letter dated January 23, 2009

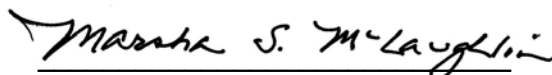
determined this subdivision plan, SP-09-04 to be approvable, subject to compliance with their comments as follows:

1. The DPZ, Division of Land Development's remaining comments consist of minor drafting revisions to the subdivision plan and processing a red-line revision to the previously approved road drawings for this project to make them consistent with the redesigned subdivision proposal.
2. The DPZ, Development Engineering Division's remaining comments consist of advisories concerning the storm water management bio-retention facility and the public water and sewer plan approval both to be examined on the final construction plans.
3. All plan comments were addressed or only minor comments remain with the following agencies: Department of Recreation and Parks, Soil Conservation District, Department of Fire and Rescue Services, State Highway Administration, Health Department, Department of Inspections, Licenses and Permits and the Public School System.

Please note that this file is available for public review at the Department of Planning and Zoning's public service counter, Monday through Friday, 8:00 a.m. to 5:00 p.m.

Recommendation:

In conclusion, the proposed "R-ED" designed subdivision plan represents a significant improvement over the previously approved "R-20" designed subdivision plan for this property in regards to effectively protecting, preserving and minimizing the limits of disturbance of the environmental resources located on the subject property to the extent possible. This subdivision plan proposal meets or exceeds the objectives of the Planning Board Criteria in accordance with the "R-ED" Zoning Regulations and the Subdivision and Land Development Regulations. Therefore, based upon all of the above findings, the Department of Planning and Zoning recommends approval of this Preliminary Equivalent Sketch Plan, SP-09-04, subject to compliance with the SRC agency comments.



Marsha S. McLaughlin, Director
Department of Planning and Zoning

Staff Report prepared by: Kent Sheubrooks
MM/KS/F:/Charts/SP0904staffreport



PB-384 RIVERSIDE OVERLOOK

